

DACA and 800,000 Dreamers are Under Imminent Threat

Who Are Dreamers?

Dreamers are young undocumented immigrants who came to this country as children. Dreamers have been fighting for nearly a decade for a pathway to legal status or citizenship, something a majority of Americans support, [including 75% of Trump voters](#).

What is Deferred Action for Childhood Arrivals (DACA)?

DACA is an Executive Action in place since 2012 that allows young undocumented immigrants who came to the U.S. as children to apply for temporary protection from deportation and a two-year renewable work permit after passing a rigorous background check. Nearly 800,000 young people are enrolled in this program, and there are an estimated 500,000 Dreamers in the United States immediately eligible for the program.

DACA enjoys the support of employers, universities, educators, community leaders, and elected officials from both parties. Even [President Trump, when asked about those with DACA, has said](#) "They shouldn't be very worried. I do have a big heart. We're going to take care of everybody."

Without much attention, the DACA Program and Dreamers have come under attack. Below is a primer on this recent threat and potential outcomes for DACA.

Overview:

- At the end of June, a letter was sent from [10 Republican Attorneys General threatening to sue the President if he doesn't end DACA by September 5th](#); thus, DACA is under an immediate, existential threat by those who are undermining the President's statements that he will protect Dreamers.
- Additionally, the request by the Supreme Court to receive the opinion of the solicitor general in the DACA case of [Brewer v. Arizona Dream Act Coalition \(ADAC\)](#), could also pose a direct threat to the program if the Solicitor General finds the program unconstitutional.
- **Within the next 60 days, DACA could be gone**, putting 800,000 Dreamers at risk of immediate deportation. This could happen either by [DACA being put on hold by the federal judge who has previously stated that he opposes the program](#), or by it being repealed by the administration.

Scenarios On How DACA Could Be Repealed:

1. Trump Administration Terminates DACA

- The Administration **could give in to the demands of the 10 state attorneys general (AGs) and terminate the program before September 5th**, calling on Congress to take action to fix this program legislatively. This would remove DACA protections and work authorization until Congress takes action, putting every Dreamer at immediate risk for deportation.

2. Courts Strike Down DACA as Unconstitutional

- In spite of the fact that the courts have repeatedly upheld the constitutionality of DACA, if the state AGs do file a lawsuit, **a lower federal court could quickly end the program**, halting application renewals or even eliminating current DACA protections.
- This lawsuit would fall under the jurisdiction of **Judge Hanen in a Brownsville Federal District Court**, the judge that put a **national injunction in place preventing the DAPA program** from ever being implemented during the Obama Administration.
- A lawsuit against DACA could be **appealed by U.S. Attorney General Jeff Sessions** but in the meantime, could result in the revocation of DACA protections and work authorization until resolved.
- Even in the case of an appeal, we have no way of knowing **how higher courts, including the Supreme Court (SCOTUS) , would ultimately rule.**

3. Trump Administration Refuses to Defend Constitutionality of DACA

- If AG Sessions **declines to defend the lawsuit**, he would essentially be saying the DACA program is unconstitutional, making it nearly impossible for DHS to continue it. DACA is **not a law that was passed through Congress; it was established through an executive action by President Obama** meaning the current administration can revoke DACA at any time.
- The Solicitor General could indicate that DACA is unconstitutional in his opinion in *Brewer v. Arizona Dream Act Coalition (ADAC)*,
- SCOTUS has already requested his opinion on this case, **making it nearly impossible for DHS to continue to administer the program if Sessions announces his opposition to the program.'**

An end to DACA on September 5th is a reality that we have to consider and that is why we need a LEGISLATIVE solution NOW to protect Dreamers and DACA recipients. Call your Senator and House Representatives and implore them to support the 2017 DREAM Act. Advocacy tools to defend Dreamers may be found on dreamers.fwd.us.